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Atty. Dkt. No. 018733-1012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David M. GOLDENBERG

Title: IMMUNOTHERAPY OF MALIGNANT  
AND AUTOIMMUNE DISORDERS IN  
DOMESTIC ANIMALS USING NAKED  
ANTIBODIES, IMMUNOCONJUGATES  
AND FUSION PROTEINS

Appl. No.: 09/921,290

Filing Date: 08/03/2001

Examiner: A. Harris

Art Unit: 1642

# 5  
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9/30/03  
**RECEIVED**  
SEP 30 2003  
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**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop NON-FEE AMENDMENT  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed August 27, 2003, Applicant hereby provisionally elects Group II, Claims 1-3, 5-8, 10, 11, 13-21 and 23-48, for examination, with traverse.

The Examiner has required restriction between Group I, drawn to a method for treating B-cell, T-cell, myeloid cell, mast-cell or plasma-cell disorder that is a cancer malignancy, and Group II, drawn to a method for treating B-cell, T-cell, myeloid cell, mast-cell or plasma-cell disorder that is an autoimmune disease. Restriction was required because the two groups involve treatment of distinct disorders. Applicant respectfully disagrees that this is a proper basis for restriction.

The present antibodies are specific to the same antigens and therefore target the same cell types, regardless of whether they are used to treat a malignancy or an autoimmune disorder. The fact that different disorders may be treated by targeting these cell types is not a

proper basis for restriction. The two types of disorder, malignancy and autoimmune, are more properly denoted as species in a genus, which are linked by generic claim 1. In this case, Applicant provisionally elects the treatment of autoimmune disorders for initial examination on the merits.

Respectfully submitted,

Date Sept. 29, 2003

By Stephen B. Maebius

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